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2 reason to suspect, through whatever means,

3 that an officer is engaged in the conduct

4 you just described, or members of those

5 groups, then we would act on that for sure.

6 Q. Does the NYPD take active steps

7 to determine whether or not its members are

8 part of these groups after they join the

9 NYPD?

10 A. I don't think we do. When you

11 say "active steps," I don't -- no.

12 Q. Are you familiar with Ed Mullins?

13 A. I am.

14 Q. I'm sorry, I didn't hear the

15 answer.

16 A. I am, yes.

17 Q. And are you aware that Ed Mullins

18 was terminated for a racist email and

19 tweets that also demonstrated bias?

20 A. Yes, I am.

21 Q. The CCRB recommended that he be

22 fired; is that correct?

23 A. I don't recall what they

24 recommended.

25 Q. Would it be correct to say that

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the commissioner has discretion to disregard the CCRB's discipline recommendations and instead impose a different, lesser recommendation?

A. Impose a lesser recommendation, or he can enhance the recommendation.

Q. Right.

As First Deputy Commissioner, were you part of that process?

A. I am indeed.

Q. Okay.

A. I was. Yes.

Q. Do you remember that Ed Mullins was allowed to retire rather than being fired after Commissioner Shea changed the disciplinary recommendation?

A. I don't recall that.

Q. If it happened while you were First Deputy Commissioner, would you have been part of that decision-making process?

A. Well, I would have been part of it either way, because I was -- my recommendation goes to the Police Commissioner.

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2 Q. Is there any documentation that's
3 generated when you make a recommendation
4 regarding CCRB discipline?

5 A. All sorts of documentation. I'm
6 not sure what you mean. There's a whole
7 process by which their recommendation comes
8 through and we are then looking at whatever
9 their recommendation is, or was, and acting
10 on it accordingly.

11 Q. From within the NYPD, excising
12 the CCRB records, what records are
13 generated within the NYPD when one of these
14 disciplinary recommendations is being
15 reviewed?

16 A. There's a review of the
17 complaint, and it's a review of the CCRB's
18 investigation, and it goes to our
19 department advocate, and they look at the
20 complaints and assess the suggested -- or
21 the presumptive penalties that have been
22 recommended by CCRB.

23 Q. Would you get NYPD memos that,
24 for example, detail what the recommended
25 discipline is?

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2 A. Well, they write up every single
3 complaint and they provide that information
4 in the report that comes to me, and I
5 review all of that background. So it's all
6 aspects of the complaint. Before it comes
7 to me, it may go back to CCRB for more
8 information, with questions about the
9 nature of the investigation or the
10 completion of it, whatever it is. But at
11 the end of the day, once that -- once the
12 advocate's office has completed their
13 assessment and made a recommendation, then
14 they'll send it forward to me for my
15 review.

16 Q. But when you --

17 A. And it includes all the reports,
18 everything that's happened in that instance
19 from the time the complaint was made, if it
20 came from CCRB or some other source. But
21 it is very comprehensive in nature. Some
22 are, you know, hundreds of pages and, you
23 know, they are very thoroughly worked up
24 and assessed and evaluated in the context
25 of the conduct that was made and the

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1 recommendation that CCRB put forth. And
2 most of the time we agree with their
3 recommendations. There are occasions where
4 we don't, either because of our analysis
5 drawing us to a different conclusion, or --
6 which may be on some occasions a different
7 penalty, maybe lesser, maybe more, and so
8 forth. So -- and then once we've looked at
9 it and then I make a recommendation and
10 sign off on that recommendation and a
11 penalty, then that goes to the Police
12 Commissioner for his final review.

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14 Q. When you make the recommendation,
15 do you write anything down? Do you
16 generate paperwork?

17 A. Yes. It's an entire report.
18 Everything is there.

19 Q. I want to be very clear, though.
20 Do you, Commissioner Tucker, generate a
21 report with respect to recommendation?

22 A. Yes.

23 Q. Now, would you agree that if the
24 disciplinary actions are not sufficient,
25 there won't be a deterrent against bad

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2 conduct by some officers?

3 A. That may be true.

4 Q. Would you agree that the primary
5 disciplinary recommendation at the NYPD is
6 lost vacation time?

7 A. That's frequently part of it.
8 Vacation time, suspension days. There's a
9 mixture of violations.

10 Q. Okay. Has the NYPD done any
11 research to determine whether losing
12 vacation days or getting suspension days is
13 sufficient to deter bad conduct?

14 A. We haven't done any research on
15 that, as far as I know. I know I haven't.
16 Vacation days take money out of the pocket
17 of these individuals. Certainly suspension
18 days does the same thing.

19 Q. But what I want to know is, to
20 your knowledge, has the NYPD taken any
21 steps to determine whether that penalty is
22 effective in deterring conduct?

23 A. No, we haven't done a study on
24 whether taking vacation days or taking
25 suspension days deters conduct. The focus